

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicants have amended claims 11 and 13 to correct typographical errors noted by the Examiner. Claims 11-13 remain pending in the application.

### **2.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner has maintained the rejection of claim 11 as being unpatentable over Choi, *et al.* (U.S. Patent No. 7,283,508) in view of Ishii, *et al.* (U.S. Patent Publication No. 2004/0202104) and Lee, *et al.* (U.S. Patent Publication No. 2003/0125068); and claims 12-13 as being unpatentable over Choi in view of Ishii, Lee and Yu, *et al.* (U.S. Patent Publication No. 2004/0086137). The Applicants traverse the rejections.

In responding to Applicants' arguments submitted on April 15, 2009, the Examiner merely asserts that he "clearly points to specific portions of Ishii and Lee to teach" the last limitation of claim 11, and provides "further clarification" on page 6 of the present office action. The Examiner's clarification consists of referring to Figure 2 and Paragraph 0022 of Ishii, which describes the fact that the transmission power of certain channels is affected by the transmission power of other channels. As Ishii notes with respect to such cases, "the transmission power must be determined by considering all future transmission power in order to carry out transmission power allocation similar to that shown in FIG. 1. Realization thereof becomes difficult." As noted then in Paragraph 0023, "in order to solve this problem, as shown in FIG. 3., a method has been presented to secure the transmission power of the HS-SCCH in a fixed manner by defining an upper limit value (maximum transmission power) of the HS-SCCH, if the transmission timing of the HS-SCCH deviates from the transmission timing of the HS-PDSCH in the conventional HSDPA system." That teaching is not what is recited in claim 11, which is "setting the power level of the second part of the control data of the present transmission interval of the control channel (P\_SC\_P2(t)) as the power level of the first part (P\_SC\_P1(t)) adjusted by a function (F) based on the power level of the shared packet data channel at the present transmission interval (P\_PDS(t)) and the previous

transmission interval (P\_PDS(t-1))." In particular, it is noted that the Examiner's arguments as to the teachings of Ishii refer to "a function of time – *i.e.* function 'F'." The function "F" recited in claim 11 is not a function of time, however, but is "based on the power level of the shared packet data channel at the present transmission interval (P\_PDS(t)) and the previous transmission interval (P\_PDS(t-1))." (emphasis added)

Thus, there does not appear to be any teaching in any of the references of the regulation of the power level of a second part of a control channel in relation to a first part of a given transmission time interval. Therefore, the Examiner has not established a *prima facie* case of obviousness of claim 11. Furthermore, whereas claims 12-13 are dependent from claim 11, and include the limitations thereof, they are also not obvious in view of those references.

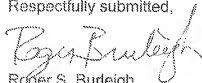
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CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11-13.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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